



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

**TO: THE COMMISSION
ACTING STAFF DIRECTOR
ACTING GENERAL COUNSEL
FEC PRESS OFFICE
FEC PUBLIC DISCLOSURE**

FROM: OFFICE OF THE COMMISSION SECRETARY

DATE: November 17, 2010

**SUBJECT: Comment on Draft AO 2010-23
(CTIA – The Wireless Association)**

Transmitted herewith is a timely submitted comment from David M. Mason, JB, on behalf of Aristotle International regarding the above-captioned matter.

Draft Advisory Opinion 2010-23 is on the agenda for Thursday, November 18, 2010.

Attachment



FEDERAL ELECTION
COMMISSION
SECRETARIAT

NOV 17 A 11: 52

Aristotle

Now you know

205 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

November 17, 2010

Shawn Werth
Secretary
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: Advisory Opinion Request 2010-23 (CTIA); Supplementary Comment

Dear Ms. Werth:

Aristotle International urges the Commission to approve draft Advisory Opinion 2010-23 as released on November 17 subject to further consideration of the contribution forwarding requirements set forth in Reply 3.a.

The conclusions in the draft as to anonymous contributions and separate merchant accounts are significant and praiseworthy steps towards allowing campaigns and other political committees to use text fundraising in accord with normal technological and commercial practices. This will help allow campaigns to engage voters, especially younger voters, through the technological means through which those voters routinely work, communicate, socialize and transact business.

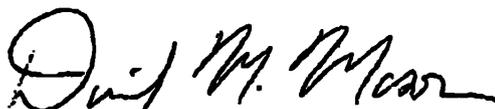
The inflexible application of the ten day authorized committee forwarding requirement, however, leaves in place a significant and probably unnecessary barrier to candidate use of this fundraising technology. The Commission should signal its willingness to consider flexible approaches to meeting statutory forwarding requirements for wireless providers and campaigns, especially if specific proposals are presented in future advisory opinion requests.

It is possible that a system of deposits from campaigns would allow forwarding by aggregators based on estimated receipts to meet the ten day requirement without running afoul of the prohibition on advances. Alternatively or in combination with this approach aggregators who collect contributions from wireless providers could be considered agents of treasurers for purposes of forwarding requirements. Aggregators or

others may devise still different means of meeting the forwarding requirements and submit those to the Commission in the future.

Should the Commission approve the draft as written it is important for Commissioners to indicate a willingness to consider flexible approaches to meeting FECA forwarding requirements so that wireless providers are encouraged to develop forwarding proposals to meet those requirements and so that the opinion issued will not be cited as an adverse precedent as to alternate means to meet those requirements that may be presented in the future.

Respectfully,

A handwritten signature in black ink, appearing to read "David M. Mason". The signature is fluid and cursive, with a large initial "D" and "M".

David M. Mason, JD
Senior Vice President, Compliance Services